

## UNITED STATES DISTRICT COURT

for the

JUN 08 2018

Western District of North Carolina

U.S. DISTRICT COURT  
W. DIST. OF N.C.

United States of America

v.

Francisco Escamilla Villa

Case No. 1:18-mj-67

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 7, 2018 in the county of Macon in the  
Western District of North Carolina, the defendant(s) violated:

## Code Section

## Offense Description

18 U.S.C. Section 922(g)(5)

It shall be unlawful for any person who being an alien is illegally or unlawfully  
in the United States to receive, possess, or transport any firearm or  
ammunition in or affecting interstate or foreign commerce.8 U.S.C. Section 1325(a) (a petty  
offense)

Illegal Entry.

This criminal complaint is based on these facts:

See Attached Affidavit

 Continued on the attached sheet.

Complainant's signature

Joshua D. Stewart, Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: June 8, 2018Dennis L. Howell  
Judge's signatureCity and state: Asheville, North Carolina

Dennis L. Howell, United States Magistrate Judge

Printed name and title

Western District of North Carolina

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

**AFFIDAVIT**

I, Joshua Stewart, Task Force Officer, Homeland Security Investigations, being duly sworn, state the following:

1. I am a "federal task force officer" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and make arrests for, the offenses enumerated in Title 18, 19, 21, 22, 31, United States Code and other related offenses.

2. I am a Task Force Officer with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been sworn as a Task Force Officer with Homeland Security Investigations since March 2018. I am a Narcotics Detective with the Macon County Sheriff's Office. I have been so employed from May 2010, to the present. I am currently assigned to the HSI Hendersonville, North Carolina office. As part of my official duties, I have participated in the investigation of offenses involving illegal exports and imports, international drug smuggling, customs and immigration fraud, bulk cash smuggling and financial crimes, human smuggling and trafficking, intellectual property rights (IPR) violations, and the sexual exploitation of minors.

3. The information contained in this affidavit is based on my personal participation in this investigation and from information provided to me by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of establishing probable cause to support the arrest of Francisco Escamilla VILLA (hereinafter referred to as VILLA), I have not included each and every fact known to me concerning this investigation and have set forth only those facts that I believe are necessary for said purpose.

4. The Macon County Sheriff's Office (MCSO) has been actively investigating VILLA for methamphetamine trafficking from Atlanta, Georgia since the spring of 2017. MCSO has obtained information from confidential informants, witnesses, neighbors and co-conspirators that VILLA makes frequent trips from his residence at 948 Highway 19, Topton, North Carolina, to the Atlanta, Georgia area to pick up large amounts of methamphetamine and transport these drugs back to North Carolina to process, sell and deliver them. MCSO has obtained information that VILLA is in the possession of numerous firearms. MCSO has obtained information that VILLA is an alien living illegally in the United States.

5. On June 7, 2018, HSI, Hendersonville, NC and the Macon County Sheriff's Office conducted a surveillance and enforcement action in which VILLA was observed at his residence of 948 Highway 19 Topton, NC 28781. VILLA was observed to enter a black colored passenger vehicle and leave the residence and travel on Highway 19. Det. Matthew Breedlove with MCSO initiated a traffic stop of VILLA approximately one mile from his residence for moving violations.

Upon initiating the stop, Det. Breedlove observed that VILLA was traveling alone in a black KIA Forte with Georgia registration plate RHX5278. VILLA does not have a valid North Carolina driver's license.

6. A strong odor of marijuana resonated from VILLA's person and vehicle. VILLA was removed from the vehicle and a pat down for weapons was conducted. VILLA consented to a further pat down revealing over \$3,000 in United States currency in his pants pocket. VILLA stated that the money was to pay his rent. VILLA initially stated his rent was \$1,100 and he was traveling to his landlord's house to pay the rent. VILLA changed his statement to his rent was \$3,000 because he owed for last month as well. VILLA pointed out the house that he stated belonged to his landlord and that he intended to pay rent there.

7. Lt. Willis with MCSO talked with a resident within the residence VILLA advised he was travelling to and the resident stated that he knew VILLA but knew nothing of rent money. A search was conducted of the vehicle of which VILLA was driving and a marijuana vapor pen was located within it. VILLA stated that he smokes marijuana. Without being asked to do so, VILLA offered to take MCSO Detectives and HSI TFO to his residence and allow them to search it. VILLA was transported by MCSO, unrestrained, to his residence at 948 Highway 19, Topton, North Carolina, where he was read and signed a permission to search form, thereby consenting to allow officers to enter and search his home and its curtilage.

8. I talked with VILLA before searching the residence and observed VILLA to be fluent in English. VILLA stated that he has been living in the United States since he was 17 years old. There were no Spanish speaking officers available on scene. While talking with me outside the residence in a non-custodial, consensual interview, VILLA stated that there were firearms located within the residence along with \$5,000 in United States currency inside a safe. As previously described, VILLA read and signed a permission to search form and consented for officers on scene to enter and search his residence and curtilage. Officers searched the residence and curtilage and found the following firearms:

- (1) Maverick Model 88, 12 Gauge Shotgun, S/N MV0113886.
- (2) Charles Daly, 12 Gauge Shotgun, S/N 7503661.
- (3) Ruger Model 10-22 Rifle, .22 LR caliber, S/N 251-55913.
- (4) Marlin Model 80W Rifle, .22 LR caliber, S/N 10483468.
- (5) Marlin Glenfield Model 60 .22 LR caliber, S/N 21468926.
- (6) Ruger LCP Semi-automatic Handgun, .380 ACP caliber, S/N 371385470.
- (7) Smith & Wesson Model SD40VE Semi-automatic Handgun, .40 S&W caliber S/N HFU5316.
- (8) North America Arms 5 Shot Revolver, .22 LR Caliber, S/N V08403.

9. All firearms appeared functional. My preliminary research indicates that some or all of these firearms were manufactured outside of North Carolina. VILLA stated that the firearms belonged to him and that he had bought, sold, and traded firearms. VILLA stated that he did not know that it was illegal for him to do that. VILLA stated that the firearms were for his personal protection as he had many people attempt to steal from him. One of the firearms was located in a safe which VILLA opened by inputting the combination. All the seized firearms were located in either VILLA's bedroom, living room, and/or within an outside locked building. \$5,000 in U.S. currency was seized from within the safe located in the living room of the residence and an additional \$979 was found in a white bucket located inside VILLA's bedroom within the residence.

10. VILLA was arrested by MCSO Det. Breedlove for possession of marijuana, drug paraphernalia, and driving infractions and transported to the MCSO Detention Center for processing by MCSO. HSI Special Agent Klarisa Zaffark, who is a fluent Spanish speaker, made contact telephonically with VILLA in regards to his immigration status. VILLA advised SA Zaffark that he was illegally living within the United States and has been since he was 17 years old.

11. Based on the above information, your Affiant has probable cause to believe that Francisco Escamilla VILLA did knowingly enter the United States at an improper time or place other than as designated by immigration officers, in violation of Title 8, United States Code, Section 1325 (a), and while being an alien illegally or unlawfully present in the United States, did have a firearm in his possession and or control in violation of Title 18, United States Code, Section 922(g)(5).

  
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Joshua D. Stewart  
Task Force Officer  
Homeland Security Investigations

Sworn to and subscribed before me this 8<sup>th</sup> day of June, 2018.

  
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DENNIS L. HOWELL  
UNITED STATES MAGISTRATE JUDGE  
WESTERN DISTRICT OF NORTH CAROLINA